

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EMERSON YAZZIE *et al.*,

Plaintiffs,

v.

CIV No. 12-479 RB/GBW

BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY *et al.*,

Defendants.

ORDER

On November 13, 2012, Defendants City of Bloomfield, Michael Kovacs and Andy Darby moved for a stay of discovery pending resolution of their Motion for Summary Judgment. *Doc. 51*. The motion was opposed by Plaintiffs, but, prior the filing of responsive briefing, the parties agreed to limited discovery to be conducted in lieu of a full stay. *Doc. 58*. This stipulation rendered the Motion for Stay moot. *See id.* at 2.


On January 29, 2013, at the parties' request, the Court held a status conference in this case. *Doc. 79*. At the conference, the parties advised that they had completed the limited discovery to which they had agreed. *See id.* Defendants City of Bloomfield, Michael Kovacs and Andy Darby reasserted their request for a full stay of discovery pending resolution of their Motion for Summary Judgment. Plaintiffs and the other Defendants indicated that they did not oppose the request. Because the stay is

unopposed at this time and the Motion for Summary Judgment is brought on the basis of qualified immunity, the Court agrees that a stay is appropriate. The Court will therefore GRANT Defendants' Motion to Stay Discovery. *Doc. 51.*

The parties also advised that, given the limited discovery which has been conducted, they are not prepared for a meaningful settlement conference. Further, all parties seek to reset the settlement conference until after the ruling on qualified immunity. Therefore, the Court will VACATE the settlement conference set for March 6, 2013. *See doc. 37.* The Court will hold a second Rule 16 conference after the entry of a ruling on the Motion for Summary Judgment to reset discovery deadlines and the settlement conference.

Finally, pursuant to an agreement between the parties, the Court orders that Defendants' Answer to Plaintiffs' Second Amended Complaint is due twenty (20) days after the entry of the ruling on the pending Motion for Summary Judgment.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE